

ANDOVER BOARD OF HEALTH
Minutes
January 13, 2014, 6:00 P.M.
CD&P First Floor Conference Room
36 Bartlet Street

The Board of Health Meeting was called to order at 6:02 p.m. Present were Ms. Martin, Chairman, Ms. Katherine Kellman, Vice-Chairman, Gopala K. Dwarakanath, M.D., Clerk and Mr. Thomas G. Carbone, Director of Public Health.

I. Approval of Minutes

- **December 16, 2013**

Motion by Ms. Martin, seconded by Ms. Kellman, to approve the Minutes of December 16, 2013 with the following correction:

- *On the Heading, change “December 13, 2013, 6 P.M.” to “December **16**, 2013, 6 P.M.”*

Unanimous approval.

II. Appointments & Hearings

- **6:05 p.m. – Daryl and Brenda Afshin for 7 (a/k/a 7R) Lowell Junction Road – Show Cause Hearing for Failure to Connect to Sewer and Condemnation Hearing (Continued)** – The Board noted that Mr. and Mrs. Afshin did not appear at the Board of Health Meeting this evening. Mr. Carbone provided the Board with the “Grant of Utility Easement” document that he just received via e-mail from Todd Wacome, President and Treasurer of Fieldstone Meadows Development Corp.¹ Ms. Martin noted that the Easement stated a date of May 31, 2012 as being recorded with the Registry of Deeds. Mr. Carbone stated that this document was drawn up by Mr. Afshin’s Attorney but has not been recorded, signed or notarized and the e-mail stated that this new document was a proposed document. Therefore, the Afshins were correct in their assertion that they could not connect to sewer today because they do not have the easement to do so. The Afshins have to determine if this document will allow them to connect to sewer and should be talking with Mr. Wacome and their lawyer to make that determination.

The other option is to install a new septic system, although connecting to sewer will add value to the property. Mr. Carbone stated that he had a conversation with Mr. Afshin last Wednesday telling him that Mr. Carbone needed a decision by the end of the day. Mr. Afshin told Mr. Carbone that he had a response drafted for the Board but that it needed to be revised. The next day, Mr. Afshin dropped off the document. Ms. Martin wanted to

¹ A copy of the “Grant of Utility Easement” document is inserted after page 13 in the Agenda Packet.

have a decision by February and asked if the work could be done if the easement is cleared. Mr. Carbone stated that they should be able to come to the February Board of Health Meeting with a signed contract that says they will start the work on a specific date. Mr. Carbone was very concerned about the metal tank because it could become a safety issue as the tank could collapse. Ms. Martin stated that she did not want any more excuses and that it is the sole responsibility of the Afshins to resolve the easement issue. It is now up to them to follow through on getting the easement filed with the Registry of Deeds, have approved drawings, which can be done while the easement is being approved, and have a contract in place by the February Board of Health Meeting. For an alternative, if the easement doesn't work out for them, they could put in a new septic system instead. Ms. Martin asked Mr. Carbone to reiterate what his December letter said and to relay to them that the Board doesn't feel they met the requirements, and that their response was insufficient. Mr. Carbone will put together a decision letter highlighting what the Board of Health was expecting and since they did not supply the information requested, they are not in compliance.

Motion by Dr. Dwarakanath, seconded by Ms. Martin, to continue the Show Cause Hearing for Failure to Connect to Sewer and Condemnation Hearing to the February 10, 2014 Board of Health Meeting with the following conditions:

- 1. By January 27, 2014, the Afshins must submit engineered plans for the sewer connection to the Health Staff for review.*
- 2. At the February 10, 2014 Board of Health Meeting, the Afshins must appear with a signed contract to either connect to the sewer or install the approved septic system, as mentioned in the December 17, 2013 letter.*

Unanimous approval.

III. Discussion

- **Permitting Approval Process – Board of Selectmen Goals** – Mr. Carbone informed the Board that the Board of Selectmen has based its 2014 goals on how to improve customer service throughout the Town. Town Manager, Buzz Stapczynski, has asked all Boards to have a discussion on how to streamline our permitting process or which ones can be improved upon. Mr. Carbone listed things we have streamlined already in the past; specifically sewer and septic permitting. We no longer wait for a Board of Health Meeting to approve all sewer and septic plans; that approval is delegated to staff review. The only plans that wait for Board of Health approval now are that ones that require a variance or a Local Upgrade Approval. Mr. Carbone listed in the Agenda packet approvals that cannot be streamlined such as Variance requests to local and state regulations, subdivision approval, Sewer Pump Station Special Permits and Recreational Camp for Children Public Hearing.

Under certain circumstances an applicant may have to appear before several Boards concerning the same issue, so there has been discussion about having joint Hearings. Engineers from Raytheon have been contacted to help us come up with more efficient ways of doing some of our larger permitting procedures. This will provide a fresh look on how we can improve on our procedures and also which procedures work well.

Mr. Carbone asked if the Board Members had thought on ways to improve service. Ms. Martin replied that she has heard criticism about licensing new food facilities and that the process takes too long. Some people doing Temporary Food service events didn't know they had to apply. Dr. Dwarakanath asked if the requirement for temporary food permits was clear on the Town website. Mr. Carbone stated that he liked the idea of reviewing the website and its content for this information.

Dr. Dwarakanath asked if the vendors can do on-line permitting. Mr. Carbone stated that ViewPoint just updated software to do on-line permitting for food and is hoping that in the next year current vendors can renew on line instead of us processing each permit in the office.

Ms. Kellman stated that when people apply as a new food service, she was surprised that the Health Division has to go through plans and make multiple notes of what is not correct on the plans and asked if we have a checklist for that. Mr. Carbone replied that when an applicant wants to open a new restaurant, they are given a multiple page document and we bring together a team of officials to meet with the applicant prior to submittal. There is a list of required plans: equipment cut sheets for each piece of equipment, plumbing plans for drainage information, what goes into the grease trap, how many handwash locations are needed, where employee items will be kept, etc. Every couple of years we review the document; Mr. Carbone's goal is to consolidate the list to limit the number of pages to be filled out. At the end of the packet there is a list of common missing items so the applicant can see the things that could slow down the process or keep the permit from being issued.

Mr. Carbone explained that there can be a misconception about the time it takes for the process to be completed. A few years ago, someone stated that a new restaurant in Methuen got a Building Permit within two days of applying, when actually there were three or four meetings over several months prior to the application to review their plans, so when they were ready to go everything was done. In Andover, we sign the Building Permit after we have completed the Plan Review and verified compliance with the food code. To check the Plan Review takes about four or five hours because there is a lot of detailed information to be reviewed such as the flow of the kitchen traffic, type of menu, separation of the dirty area from clean food area, storage space, bathrooms, etc. Cut sheets are very important because they show the kind of equipment that has to fit the site and we need to know if the equipment is NSF or UL approved. Mr. Carbone assured the Board that he will review the check list and will work to make this information available on the Town website.

- **Change in March Board of Health Meeting Date** – Ms. Martin informed the Board that she will be unable to attend the March 10, 2014 Board of Health Meeting and would like to reschedule it. The Board decided to reschedule the meeting to March 17, 2014.
- **Salt Shed Update (not on Agenda)** – Mr. Carbone informed the Board that the septic system was put in this Fall and the frame structure was up. He had been under the impression they would use it this year, but it will not be ready for use until the next Winter season.
- **Update on Renewals for 2014 (not on Agenda)** – Ms. Martin asked how the renewal process went using the new system. Ms. Denise Paul, Administrative Assistant, told the Board that the process was a lot easier this year, partly because of the help of Mr. Donald Miller who is a Contractor the Town hired to help with ViewPermit issues. He has learned this product, he understands the coding, and if he cannot solve an issue, he contacts the ViewPermit people directly for us. The hope is that he will be hired as an employee in the next few months.

The letters did not go out on our usual date of November 1st because the people at ViewPoint were not ready with the renewal applications. Mr. Miller helped us to get them out the next week by manipulating the system to allow the renewal applications to print. ViewPoint was ready about a week after that time. The process was a lot easier also because we could just click on the Renew key and the information was automatically filled out from the previous year. There were some glitches, but Mr. Miller was able to help with that as well. Ms. Patricia Crafts, Health Agent, was also able to help with the Food Establishment renewals this year, which also helped us to get the Permits out in a timely manner. We also did not have a lot of applicants who didn't renew on time. Mr. Carbone stated that we made about eighteen calls to different vendors during the week of Christmas and New Years.

Dr. Dwarakanath asked how often a restaurant is inspected for compliance. Mr. Carbone replied that Health Staff inspects every establishment two times a year. The inspections are typically unannounced, with the exception of secure facilities such as Raytheon because they need to be notified when we are coming.

IV. Old Business

- N/A

V. Subdivision Definitive Plans

- N/A

VI. Plan Review

- **DWRP – Variances/Local Upgrade Approval**

- **3 Cottonwood Circle – LUA to Allow Leaching Facility to be 4' above SHWT, 5' Required** – Mr. Carbone explained that this property is on the edge of a wetland bordering on a tributary to the water supply so everything has to be 100' from there. The proposal is for a two-part tank; a 1500 septic tank and a 500 gallon chamber for the pump. Mr. Carbone asked Mr. DuFresne, the Design Engineer, why he couldn't meet full compliance if a pump was needed anyway. He replied that there would need to be a retaining wall because the cover over the system would slope back to the house and the wall would be needed along the driveway and possibly the street as well. Ms. Kellman asked what the drawback to putting in the wall was; was it the expense, safety or aesthetics. Mr. Carbone explained that a wall has aesthetics issues and is an added expense.

Ms. Kellman asked why the Board should not be concerned about the 4' for the leaching facility as opposed to the 5' that is required. Mr. Carbone explained that when determining any LUA, one of the issues can be the cost. A fast perc rate is why it needs 5', but when the house was built the setback would have been 4' anyway. In this case, by allowing the 4', you are matching what was required when the house was built. Most of the science shows 4' or even 3' will be sufficient for wastewater treatment. That extra foot helps during a wet Spring. Ms. Martin stated that the Board does accept a lot of these LUA's because of grading. Mr. Carbone assured the Board that by granting the LUA, the home is limited to the amount of bedrooms it currently has and no bedrooms can be added to the home in the future.

The Board Members found that they had several questions about LUA's and would like Mr. Carbone to send them some information and background so they can understand more on that subject. Mr. Carbone agreed to send them some information and reports from a review of Title V and to ask engineers to provide more information about retaining walls and their cost when LUA's are sought.

Motion by Ms. Martin, seconded by Dr. Dwarakanath, to approve the LUA at 3 Cottonwood Circle to allow the Leaching Facility to be 4' above SHWT, where 5' is required. Unanimous approval.

- **1 Kalia Circle – LUA to Allow Leaching Facility to be 3' above SHWT, 4' Required** - Mr. Carbone explained that this was the same type of LUA as 3 Cottonwood, but was for 3' instead of 4'. This property is in the Haggetts Pond Road area. The plumbing has been raised as high as possible to keep a fairly shallow pitch so that a pump can be avoided if the LUA is approved.

Motion by Ms. Martin, seconded by Ms. Kellman, to approve the LUA at 1 Kalia Circle to allow the Leaching Facility to be 3' above SHWT, where 4' is required. Unanimous approval.

VII. Staff Reports

A. Director's Reports:

- **Important Dates:**

- February 10, 2014 at 6 p.m. – Board of Health Meeting
- February 15, 2014 at 9 a.m. – Possible Budget Hearing
- March 10, 2014 at 6 p.m. – Board of Health Meeting

B. Nurses' Report for December, 2013 – The Nurses' Report for December, 2013 were for informational purposes only.

C. Inspectors' Reports for December, 2013 – The Inspectors' Reports for December, 2013 were for informational purposes only.

VIII. Board Member Reports

- N/A

IX. Adjournment

Motion by Ms. Martin, seconded by Ms. Kellman, to adjourn at 7:15 p.m. Unanimous approval.